

# Italy's constitutional "reform": the gravedigger of post-war democracy

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Silvio Berlusconi's Constitutional reform, passed by the Italian Senate on November 16, is designed to give the prime minister presidential powers. Only a few weeks before that, Berlusconi, Italy's richest entrepreneur, had arbitrarily changed the electoral law in order to secure himself an advantage in the upcoming election (See "Italy: Berlusconi changes electoral law to remain in power").

The Constitutional reform, passed by the House of Representatives October 20, has now become law with the Senate's approval. Its main function is to massively strengthen the executive branch of the government, thereby greatly expanding its jurisdiction over both the legislative power of the parliament and the function of checks and balances that the President of the Republic has held since the promulgation of the 1948 Constitution. The prime minister will be elected directly by the Italian population and will no longer require a vote of confidence from the Italian parliament.

The reform also grants the prime minister the power to appoint and dismiss ministers and to dissolve the parliament. In addition, the prime minister will be able to set the general political line and guarantee that the administration follows it.

With this move, Berlusconi repeals a crucial element of the 1948 Constitution. After the experience of fascism under Mussolini, the Italian *Assemblea Costituente* consciously restricted the power of the prime minister. The role of the office in the government was conceived as the *primus inter pares* (first among equals), remaining under the control of the state's president and subject to the confidence of the legislative branch.

The state's president (*presidente della Repubblica*) now loses decisive powers, including that of nominating the prime minister. Without the explicit recommendation of the prime minister, the state's president will also lose the power to dissolve parliament and call for early elections.

The composition of the parliament will also change. The House of Representatives is the only assembly that retains full legislative power, while the Federal Senate's jurisdiction has been reduced to matters of "concurrent" legislation; that is, those matters that are not exclusively pertinent to either the central state or the regions. It will change from a national senate to a federation of regional representations, a *senato federale*, which will be elected together with the regional bodies.

The function of the parliament will also change: in the old system, a law couldn't be passed unless both the House of Representatives and the Senate approved the identical text (a function of true bicameralism). Now, if the two do not reach complete agreement on a law, the presidents of each branch of the parliament will nominate a commission of 30 representatives and 30 senators who will elaborate a new text for future approval by both chambers.

Combined with the expanded powers of the prime minister, which include the power to dissolve the parliament, this new procedure enables the head of government to force measures through the parliament.

The Senate also loses its right to cast a vote of no-confidence against the prime minister. This right will now reside only with the House of Representatives. It will require the absolute majority of the House. Since under the newly passed electoral law the most successful party coalition will automatically have the absolute majority in the House, this eventuality is hypothetical at best.

The second main element in the new constitution is the so-called "devolution." Greater power has been given to the 20 Italian regions, which now will have exclusive legislative power with regard to the health system, the schools, and regional and local police. It constitutes a massive attack on workers' rights to education and health care.

This is the result of a political deal with the Lega Nord

(Northern League) to ensure its continuing support for Berlusconi. In 1994, the Lega Nord withdrew from the first Berlusconi government, causing it to fall. The decentralisation of power is the main demand of the Lega Nord, reflecting the desire of the northern industrial bourgeoisie to avoid national taxation that could be utilized for the poorer south. The source of this layer's wealth is the industrial working class, a large portion of which is from the south.

In the final analysis, devolution is the beginning stage of a strategy aimed at the privatisation of whole sectors such as education and health care, which, in the aftermath of WWII, were guaranteed to all citizens. It is a direct attack on gains won through decades of social struggles by the Italian working class.

Berlusconi's constitutional reform, which effectively gives him authoritarian powers, is a pragmatic and thoroughly transparent move to retain his grip on the government. But aspects of decentralisation are deepening splits within his own governmental majority, the *Casa delle Libertà* (House of Freedoms).

The most evident example is the position of the neo-fascist Alleanza Nazionale (AN—National Alliance) of Gianfranco Fini, currently part of the government. It supports the concentration of power in the hands of the prime minister, but strongly criticizes the “devolution,” fearing it may lose its political base in the impoverished south. Fini and other AN politicians briefly left the government in protest six months ago. Domenico Fisichella, vice-president of the senate and a founding member of AN, has announced his withdrawal from the party as a clear expression of his opposition to the federalist measure of devolution.

Since AN couldn't prevent “devolution” directly, it introduced a clause on “national interests” into the new law, stipulating that the government can block a regional law if it is “against national interests of the country.”

Romano Prodi, leader of the opposition and former European commissioner, bemoaned “the House of Freedoms' striving towards a dangerous dictatorship of the prime minister” over parliament. But the Opposition, which contains not only the Catholic Margherita party, the Greens and the Left-Democrats but also Rifondazione Comunista (Communist Refoundation), remains characteristically passive. Although it called for a referendum, it has failed to launch any real political campaign against Berlusconi.

A referendum will require the signatures of one-fifth of the members of either Chamber or those of 500,000

voters. The opposition will have three months to accomplish this. The Central Bureau of Referenda is required to cast a legitimacy vote within 30 days, and then the president will have 60 days to make the official call for the referendum. This realistically means that a vote on the referendum would not take place until after the upcoming April elections.

However, no opposition politician has explained why it is not possible to appeal politically to the working class. Italian workers are becoming increasingly radicalised. This has been demonstrated by a series of strikes, along with mass protests against social cuts and for the withdrawal of the Italian troops from Iraq. For example, last Friday, November 25, the sixth general strike against Berlusconi's economic policy took place throughout Italy.

Six months ago the opposition Olive Tree coalition won 11 out of 13 regions in the regional elections. Today, all the polls predict a defeat for Berlusconi in the parliamentary elections set for next April.

But the opposition fears a mobilisation of the Italian workers just as much as the government does. Romano Prodi's policy is dictated by the same corporate interests as Berlusconi's. His differences with Berlusconi are purely tactical, not principled. His neo-liberal economic program is similar to those pursued by Angela Merkel in Germany and Tony Blair in Great Britain.

Ten years ago, when Prodi led a Center-Left government, he himself introduced elements of decentralisation into the constitution and demanded more power for the prime minister. It was precisely Prodi who in the mid-90s initiated the wholesale dismantling of the public sector, beginning with the privatisation of the IRI (Institute for the Industrial Reconstruction).

The chasm between the tactical manoeuvres of the so-called “opposition” and the genuine struggle of the workers shows clearly the necessity of a new party of the working class, which bases itself on socialist internationalism. Only the International Committee of the Fourth International and the *World Socialist Web Site* can provide such a perspective.



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